REMARKS

Claims 1-33 are pending in the application. Claims 6, 7, 8, 10, 11 and 12 have been amended. Claims 1-5, 9, and 13-33 are canceled without prejudice.

In the Office Action mailed May 22, 2003, the Examiner rejected claims 5 and 9 under 35 U.S.C. §102(e) as being anticipated by Saints et al., (U.S. Patent No. 6,430,170), and claims 1-4, 5-8, and 10-33 under 35 U.S.C. § 103(a) as being unpatentable over Saints et al., (U.S. Patent No. 6,430,170).

The Examiner has rejected claims 5 and 9 under 35 U.S.C. §102(e) as being anticipated by Saints et al., (U.S. Patent No. 6,430,17). The Examiner states "[I]n claims 5, 9, Saints disclose a random number selector subsystem for generating random numbers from data bits generated from random received signal characteristics that are extracted from a received signal using existing wireless phone hardware in (col.3, lines 53-57 and col.3, lines 17-19; col. 4, lines 29-36). An encryptor for encrypting a signal using the random numbers in (col. 4, lines 23-36)." Applicants have canceled claims 5 and 9. Applicants have amended, in independent form, claims 6-8 to include for each all the limitations of original claim 5.

Claim 6 now reads an encryption system, comprising:

a random number selector subsystem for generating random numbers from adjusted data bits of a Receive Automatic Gain Control circuit wherein said adjusted data bits are generated from said Automatic Gain Control circuit operating on a received signal; and

an encryptor for encrypting a signal using said random numbers.

Claim 6 now includes the limitation of using an Automatic Gain Control circuit to adjust data bits generated from the Automatic Gain Control circuit. Therefore, claim 6 is not anticipated by Saints because Saints does not include the limitation of using an automatic gain control circuit to adjust data bits. This analysis also applies to claim 10.

Saints et al. (U.S. Patent Number 6,430,170) in view of Waldroup et al. (U.S. Patent Number 6,070,058). The Examiner states "Saints does not disclose step of processing received signal with automatic gain control circuit (AGC)." However, Examiner notes "Waldroup's patent (U.S. 6,070,058) discloses processing received signal with automatic gain control circuit (AGC) in (col. 9, lines 12-23)." Examiner notes "[i]t would have been obvious to person of

ordinary skill in the art at the time the invention was made to employ AGC taught in Waldroup with receiver disclosed in Saints in order to control such amplitude variations such that cellular phone or wireless device keeps in-band energy is transmitted to demodulator at a fixed level thus allowing incoming received signal to be normalized." Applicants note there is no suggestion or motivation to use AGC to adjust data bits generated from the automatic gain control circuit as described in claim 6. Thus Applicants submit claims 6 and 10 are in condition for allowance.

Claim 7 now reads An encryption system, comprising:

a random number selector subsystem for generating random numbers from instantaneous variations of the DC offset component of the input signal, wherein said variations are generated from said DC Offset Correction Loop circuit operating on a received signal; and

an encryptor for encrypting a signal using said random numbers.

Claim 7 now includes the limitation of using instantaneous variations of the DC offset component of the input signal to generate random numbers. Therefore, claim 7 is not anticipated by Saints because Saints does not include the limitation of using a DC Offset Correction Loop circuit to generate random numbers. This analysis also applies to claim 11.

Saints et al. (U.S. Patent Number 6,430,170) in view of Kocher et al. (U.S. Patent Number 6,278,783) and further in view of Lee et al. (U.S. Patent Number 6,038,266). The Examiner states "Saints and Kocher does not specifically disclose processing received signal with a DC Offset Correction Loop. Lee discloses DC offset correction circuit in (col. 10, lines 53-55). It would have been obvious to person of ordinary skill in the art at the time the invention was made to employ DC offset correction circuit taught in Lee with device disclosed in Saints and Kocher in order to prevent instability of signal as well as to correct DC offset." Applicants note there is no suggestion or motivation to use the instantaneous variations of the DC offset correction loop circuit to generate random numbers. Applicants note the same argument follows for claim 11. Absence showing of a suggestion or motivation to combine the above references, Applicants submit claims 7 and 11 are in condition for allowance.

Claim 8 now reads An encryption system, comprising:

a random number selector subsystem for generating random numbers from variations in the receive signal propagation delay over time, wherein a CDMA Time Tracking Loop circuit is operating to track said variations in the receive signal propagation delay over time; and

an encryptor for encrypting a signal using said random numbers. Claim 8 now includes the limitation of using variations in the receive signal propagation delay over time to generate random numbers. A CDMA time tracking loop circuit is used to track the variations in the receive signal propagation delay over time. Therefore, claim 8 is not anticipated by Saints because Saints does not include the limitation of using a CDMA time tracking loop circuit to generate random numbers. The analysis also applies to claim 12.

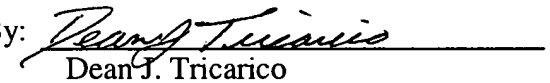
The Examiner states "Saints does not disclose Time Tracking Loop. The examiner takes Official notice that Time Tracking Loop is well known in the art especially in the wireless communication environment. One of ordinary skill in the art would be motivated to use Time Tracking Loop in order to track variations in the receive propagation delay over time and thus maintaining bit synchronization." Applicants request Examiner provide Applicants with a reference showing a suggestion or motivation to use a Time Tracking Loop to as a means for processing a received signal and generating random data bits from the processed signal. Absence showing of a suggestion or motivation to combine the above references Applicants submit claims 8 and 12 are in condition for allowance.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: October 30, 2003

By: 

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